

## **Court's Exhibit #1**

### **Conditions of Probation and Supervised Release**

### **UNITED STATES DISTRICT COURT**

### **FOR THE**

### **Southern District of Texas**

While on probation/supervised release, you must not commit another federal, state or local crime.

You must not unlawfully possess a controlled substance.

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

You must cooperate in the collection of DNA as directed by the probation officer. (If applicable)

You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (If applicable)

You must participate in an approved program for domestic violence. (If applicable)

**As part of your probation/supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.**

You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.

After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

You must answer truthfully the questions asked by your probation officer.

You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment, you must try to find full-time employment, unless the

probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

You must follow the instructions of the probation officer related to the conditions of supervision.

**The special conditions considered by the Court are as follows:**

**ACCESS TO FINANCIAL RECORDS/NEW CREDIT PROHIBITION:** The defendant is required to provide the probation officer access to any requested financial information. If a fine or restitution amount has been imposed, the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer, unless the defendant is in compliance with the fine or restitution payment schedule.

**ANGER MANAGEMENT:** The defendant is required to participate in anger management counseling. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

**ALCOHOL ABSTINENCE:** The defendant shall abstain from the use of alcohol during the term of supervision.

**ALIAS CONDITION:** The defendant shall not use or provide any name other than his true name or date of birth to anyone, nor use or possess any false Social Security number. The defendant also shall not possess any fraudulent identification document or any identification document that identifies the defendant other than by his/her true name and true date of birth.

**COUNSELING:** The defendant is required to participate in a family violence program as approved by the probation officer. The defendant will incur all costs associated with such a program. The defendant is required to participate in a family violence program as approved by the probation officer. The defendant will incur all costs associated with such a program.

**COMMUNITY CONFINEMENT:** The defendant is required to participate in a community treatment center, halfway house or similar facility for a period of \_\_\_\_\_ beginning on \_\_\_\_\_ at a time determined by the probation officer.

**COMMUNITY SERVICE:** The defendant is required to perform \_\_\_\_\_ hours of community service as approved by the probation officer to be completed by \_\_\_\_\_.

**COMPUTER:** The defendant shall not subscribe to any computer online service, nor shall the defendant access any Internet service, including access via cellular device, during the length of his/her supervision, unless approved in advance in writing

by the United States Probation Officer. The defendant may not possess Internet capable software on any hard drive, disk, floppy disk, compact disk, DVD, diskette, magnetic tape, or any other electronic storage media, unless specifically approved in advance in writing by the United States Probation Officer.

**CONFINEMENT - EVENINGS:** The defendant shall be confined in the custody of the Bureau of Prisons from \_\_\_\_\_ p.m. each evening to \_\_\_\_\_ a.m. each morning for a period of \_\_\_\_\_ weeks, commencing \_\_\_\_\_.

**CONFINEMENT - WEEKENDS:** The defendant shall be confined in the custody of the Bureau of Prisons from \_\_\_\_\_ p.m. each Friday until \_\_\_\_\_ a.m. each Monday for \_\_\_\_\_ weeks, commencing \_\_\_\_\_.

**CONFINEMENT - WEEKENDS AND EVENINGS:** The defendant shall be confined in the custody of the Bureau of Prisons from \_\_\_\_\_ p.m. each evening Monday through Thursday to \_\_\_\_\_ a.m. the following morning, and from \_\_\_\_\_ p.m. each Friday until \_\_\_\_\_ a.m. each Monday, for a period of \_\_\_\_\_ weeks, commencing \_\_\_\_\_.

**DEPORTATION:** If deported, the defendant is not to re-enter the United States illegally. If the defendant is deported during the period of probation or the supervised release term, supervision by the probation officer becomes inactive. If the defendant returns, the defendant shall report to the nearest U.S. Probation Office immediately. Supervision by the probation office reactivates automatically upon the defendant's reporting.

**DRUG/ALCOHOL TREATMENT:** The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further, the defendant shall participate and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to such drug detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation office.

**DRUG SURVEILLANCE:** The defendant shall submit to periodic urine surveillance and/or breath, saliva and skin tests for the detection of drug abuse as directed by the probation officer. The defendant will incur costs associated with such detection efforts, based on ability to pay as determined by the probation officer.

**EDUCATION:** The defendant is to enroll and participate in an educational program designed to receive a high school diploma or its equivalency.

**EMPLOYMENT:** The defendant shall not hold a position of employment in a fiduciary role.

**GANG PROHIBITION:** The defendant is not to be affiliated with any organized gang recognized by law enforcement agencies and is not to participate in gang-related activities or to associate with any gang members.

**HOME DETENTION:** The defendant is restricted to his or her place of residence continuously, except for absences authorized by the probation officer for a period of \_\_\_\_\_ months/days, beginning immediately or at a time determined by the probation officer. The probation officer may approve absences for gainful employment, religious services, medical care, education or training programs, and at other times as may be specifically authorized by the probation officer. Location monitoring may be used to monitor compliance with this condition; however, alternative means of surveillance may be used that will ensure compliance with this special condition. If location monitoring is used, the defendant will incur costs associated with such monitoring, based on ability to pay as determined by the probation officer.

**IN-PATIENT DRUG TREATMENT:** In the event the defendant does not complete the Residential Drug Abuse Program (RDAP) while in custody, the defendant shall first, as part of the drug treatment condition above, participate in an inpatient program for the treatment of drug and/or alcohol addiction, dependency or abuse, to begin immediately upon release from confinement for a period of up to 180 days, as directed by the probation officer. The defendant is not permitted to leave the

facility during the first 30 days of treatment.

**IN-PATIENT DRUG TREATMENT:** The defendant shall first, as part of the drug treatment condition above, participate in an in-patient program for the treatment of drug and/or alcohol addiction, dependency or abuse, to begin immediately upon release from confinement for a period of up to 180 days as directed by the probation officer. The defendant is not permitted to leave the facility during the first 30 days of treatment.

**MENTAL HEALTH:** The defendant is required to participate in a mental health program. Further, the defendant shall participate and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

**MOTHERS AGAINST DRUNK DRIVING CLASS:** The defendant is to participate in a class sponsored by Mothers Against Drunk Driving.

**NIGHTTIME RESTRICTION:** Throughout the period of probation/supervised release, the defendant shall be restricted to his/her home from \_\_\_\_\_ to \_\_\_\_\_ each night, unless other specific arrangements are made with the probation officer.

**OTHER:** The defendant shall participate in a battering intervention and prevention program, or similar program designed to rehabilitate domestic violence offenders as directed by the probation officer. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

**OTHER:** The defendant shall participate in the Reasoning and Rehabilitation Program as directed by the probation officer.

**OTHER:** The defendant shall not frequent places where the primary use or function is geared toward children, unless granted permission to do so by the U.S. Probation Office.

**OTHER:** The defendant shall not seek or maintain employment, supervise, volunteer, or participate in any program and/or activity where minors under the age of 18 would congregate, without prior written approval of the United States Probation Officer. This would include athletic, religious, volunteer, civic, or cultural activities designed for minors under the age of 18.

**OTHER:** The defendant shall not date or cohabit with anyone who has children under the age of 18, unless approved in advance in writing by the United States Probation Officer. Should such approval be granted, both biological parents of the children must be notified.

**OTHER:** The defendant shall have no contact with the victim, or the victim's family, including letters, communication devices, audio or visual devices, visits, or any contact through a third party, without prior written consent of the United States Probation Officer.

**OTHER:** The defendant shall not reside, work, access, or loiter within 1,000 feet of school yards, parks, playgrounds, arcades, or other places primarily used by children under the age of 18, or where children may frequently congregate, unless approved in advance in writing by the United States Probation Officer.

**OTHER:** The defendant shall not view, possess or have under his/her control, any nude depictions of children, child erotica, sexually oriented or sexually stimulating materials, including visual, auditory, telephonic, or electronic media, computer programs or services. The defendant shall not patronize any place where such material or entertainment is the primary source of business. The defendant shall not utilize any sex-related telephone numbers.

**PARENTING CLASSES:** The defendant is to enroll and participate in an educational program designed to teach parenting skills.

**PROHIBITION FROM EMPLOYMENT IN A FIDUCIARY ROLE:** The defendant is prohibited from employment

in a fiduciary role with any type of financial institution during the term of supervision.

**PROHIBITION FROM POSSESSION OF CREDIT ACCESS:** The defendant is prohibited from possessing a credit access device such as a credit card unless first authorized by the probation officer.

**PSYCHIATRIC TREATMENT:** The defendant is required to participate in a psychiatric treatment program while on supervised release.

**SELF HELP:** The defendant shall attend and participate in a self-help program designed to encourage and promote sobriety as directed by the probation officer. The defendant shall provide documentation of such attendance as instructed by the probation officer.

**SEX OFFENDER CHILDREN PROHIBITION:** The defendant shall not have contact with any minor child without being supervised by an adult family member of the child.

**SEX OFFENDER/MENTAL HEALTH COUNSELING:** The defendant shall participate in a mental health treatment program and/or sex offender treatment program provided by a Registered Sex Offender Treatment Provider, which may include but not be limited to group and/or individual counseling sessions, Abel Screen, polygraph testing and/or psycho-physiological testing, including but not limited to plethysmograph testing, to assist in treatment and case monitoring administered by the sex offender contractor or their designee. Further, the defendant shall participate as instructed and shall abide by all policies and procedures of the sex offender program, until such time as the defendant is released from the program. The defendant will incur costs associated with such sex offender treatment program and testing, based on ability to pay as determined by the United States Probation Officer. The defendant shall waive his/her right of confidentiality in any records for mental health treatment imposed as a consequence of this judgment to allow the supervising United States Probation Officer to review the defendant's course of treatment and progress with the treatment provider. If requested by the mental health provider, the Court authorizes the United States Probation Officer to provide pertinent information from the presentence investigation report and any information available from mental health evaluations that are in the possession of the probation officer.

**SEX OFFENDER REGISTRATION:** The defendant shall report the address where the defendant will reside and any subsequent change of residence to the probation officer responsible for supervision and defendant shall register with the sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the probation officer. The probation officer will provide the state officials with any and all information required by the state sex offender registration agency and may direct the defendant to report to that agency personally for additional processing, such as photographing and fingerprinting.

**TEXAS DWI EDUCATION PROGRAM:** Attend and complete a Texas Department of State Health Services approved DWI education program.

**TRUCK DRIVING CONDITION:** While on supervised release and engaged in truck driving either as the driver or a passenger, the defendant shall, upon arriving at a checkpoint, border crossing, weigh station, or upon being stopped for an environmental or safety inspection, or traffic violation, or upon any road side contact, declare to the officer that the defendant is on supervision for a drug related offense. Upon request, the defendant shall consent to a search of his person, the tractor, trailer, and its contents.

(To be used for drug related offenses)

**TRUCK DRIVING CONDITION:** While on supervised release and engaged in truck driving either as the driver or a passenger, the defendant shall, upon arriving at a checkpoint, border crossing, weigh station, or upon being stopped for an environmental or safety inspection, or traffic violation, or upon any road side contact, declare to the officer that the defendant is on supervision for an alien smuggling offense. Upon request, the defendant shall consent to a search of his person, the tractor, trailer, and its contents.

(To be used for alien smuggling offenses)

**VICTIM CONTACT PROHIBITION:** The defendant shall have no contact with the victim, or the victim's family, including letters, communication devices, audio or visual devices, visits, or any contact through a third party, without prior written consent of the United States Probation Officer.

**VICTIM IMPACT PANEL:** The defendant shall participate in a victim impact panel program or similar program as directed by the probation officer. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

**VOCATIONAL TRAINING:** The defendant is required to participate in a vocational training program.

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